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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 JUSTIN L. VICTORY,
6 Plaintiff,
7 v.
8 HENDERSON NV PD,
9 Defendant.

Case No. 2:23-cv-02086-CDS-NJK

ORDER

[Docket No. 9]

10 Pending before the Court is Plaintiff's application to proceed *in forma pauperis*. Docket
11 No. 9. Subject to the conditions outlined below, the Court **GRANTS** the application to proceed
12 *in forma pauperis* (Docket No. 9).

13 Plaintiff must pay an initial partial filing fee of the greater of twenty percent of the average
14 monthly deposits or twenty percent of the average monthly balance of his account for the six
15 months immediately preceding the commencement of this action. *See* 28 U.S.C. § 1915(b)(1).
16 Plaintiff's average monthly balance is \$6.93, and his average monthly deposit is \$26.67. Docket
17 No. 9 at 4. Therefore, the Court finds that Plaintiff must pay an initial partial filing fee of \$8.04.

18 Accordingly, **IT IS ORDERED:**

19 1. Plaintiff's Application to Proceed *in Forma Pauperis* (Docket No. 9) without
20 having to prepay the full filing fee is **GRANTED**. However, Plaintiff must pay an initial
21 installment fee in the amount of \$8.04 toward the full filing fee of \$350. Plaintiff must have the
22 designated fee sent to the Clerk's Office no later than **April 9, 2024**. Failure to do so may result
23 in dismissal of this action. Furthermore, even if this action is dismissed, the full filing fee must
24 still be paid pursuant to 28 U.S.C. § 1915(b)(2).¹

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27 ¹ After it has received the partial filing fee as ordered herein, the Court will screen
28 Plaintiff's complaint as required by 28 U.S.C. § 1915. Nothing in this order should be construed
as suggesting that the Court will allow any of Plaintiff's claims to proceed past the screening phase.

1 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
2 prepayment of any additional fees or costs or the giving of security therefor. This Order granting
3 *in forma pauperis* status shall not extend to the issuance and/or service of subpoenas at government
4 expense.

5 3. The Clerk's Office shall provide Plaintiff with two copies of this Order. Plaintiff
6 is ordered to make the necessary arrangements to have one copy of this Order attached to the check
7 in the amount of the designated fee.

8 4. The Clerk's Office shall send a copy of this Order to the attention of the inmate
9 accounts department at High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89070.
10 Pursuant to 28 U.S.C. § 1915(b)(2), High Desert State Prison shall forward to the Clerk of the
11 United States District Court, District of Nevada, twenty percent of the preceding month's deposits
12 to Plaintiff's inmate trust account (in the months that the account exceeds \$10.00) until the full
13 \$350 filing fee has been paid for this action.

14 5. The Clerk's Office shall provide a copy of this Order to the Finance Division of the
15 Clerk's Office.

16 IT IS SO ORDERED.

17 Dated: March 12, 2024

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21 Nancy J. Koppe
22 United States Magistrate Judge
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